

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:11cv110**

<b>WILLIAM JOSEPH JAMES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER OF REMAND</u></b>
	)	
<b>MICHAEL J. ASTRUE,</b>	)	
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Defendant's Motion for Entry of Judgment under Sentence Four of 42 U.S.C. §405(g) With Reversal and Remand of the Cause to the Defendant [Doc. 7].

Sentence four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." Pursuant to this provision, the Defendant moves for reversal of his decision and remand of the cause for further administrative proceedings. The Defendant represents that the Plaintiff does not oppose his motion. [Doc. 9].

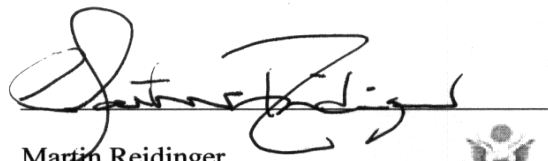
Based on the representations of the Defendant, the Court finds that reversal and remand are appropriate. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion [Doc. 7] is hereby **GRANTED**; the decision of the Commissioner of Social Security is hereby **REVERSED**; and this case is **REMANDED** for further administrative action as may be deemed necessary and appropriate.

A Judgment consistent with this Order shall be entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

**IT IS SO ORDERED.**

Signed: October 19, 2011

  
Martin Reidinger  
United States District Judge

